

REMARKS

Claims 1, 3-9 and 11-13 are now currently pending in the present application. Claims 1, 4 and 6 are amended to clarify that a monomeric or polymeric titanium compound including not more than 100 units is the titanium compound used for preparing the titanium-containing solution, based on page 18, lines 5-15 of the specification.

In addition, symbols (A), (B) and (C) are deleted from claim 4, in order to differentiate the titanium compound before dissolving from the titanium compound (A) after dissolving in claim 1.

Claim 8 has been amended to delete the mixing step. New claim 11 has been added which parallels amended claim 8. In addition, new claims 12 and 13 are based on the specification, at least, at page 21, line 3 to page 23, line 13.

No new matter has been added by way of the present claim amendments.

Rejection under 35 U.S.C. § 102 – Anticipation

Claims 1-10 stand rejected under 35 U.S.C. § 102(b) as being anticipated by US 2002/0193555 to Hori et al. (hereinafter “Hori”).

Discussion of the Present Invention

The titanium compound (A) in the titanium-containing solution may be altered as a result of chemical reactions caused in the solution (i.e. the titanium compound before dissolving may not be identical to the titanium compound after dissolving). As described above, the titanium compound used as starting materials in preparation of the titanium-containing solution is a monomeric or polymeric titanium compound including not more than 100 units. That is, the titanium-containing solution of the present invention is prepared by using the monomeric or polymeric titanium compound including not more than 100 units as a starting material.

Application No. 10/560,923
Amendment dated January 13, 2009
Reply to Office Action of November 19, 2008

Docket No.: 1155-0288PUS1

Discussion of Cited Prior Art

However, the titanium-containing solution of Hori is prepared by using the solid titanium compound including more than 100 units as starting materials, because the solid titanium compound is prepared by dehydro-drying a contact product of a hydrolysate of titanium halide or titanium alkoxide with a polyhydric alcohol (*see* paragraphs [0060], [0083] and Examples). The titanium compound, of which the degree (n) was assumed to be 109 or higher, described in Comparative Example 11 of the present specification was also prepared in the same manner of Hori.

Accordingly, since the titanium compound used as starting materials in preparation of the titanium-containing solution of the present invention is different from that of Hori, the resulting titanium-containing solution of the present invention is also different from that of Hori.

Additionally, as is clear from comparison between the Examples and Comparative Example 11 of the present specification, the polymerization activity of polyester is improved by using the titanium compound including not more than 100 units. Hori neither discloses nor teaches the above effects due to the technical feature of the present invention.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Since Hori does not disclose a monomeric or a polymeric titanium compound including not more than 100 units for the preparation of the titanium containing solution, Hori cannot properly anticipate the presently claimed invention, within the meaning of 35 U.S.C. § 102(b). Accordingly, the present invention is patentable over Hori. Reconsideration and withdrawal of the outstanding rejection are respectfully requested.

In view of the foregoing, Applicant believes the pending application is in condition for allowance. A Notice of Allowance is earnestly solicited.

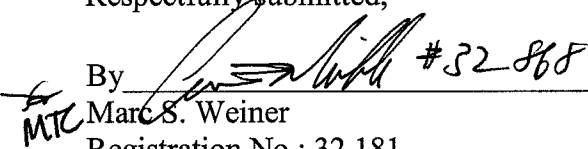
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Monique T. Cole, Reg. No. 60,154 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Dated: January 13, 2009

Respectfully submitted,

By

 #32868
MTC Marc S. Weiner

Registration No.: 32,181

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road

Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorney for Applicant